

ORDINANCE _____

AN ORDINANCE relating to land use and zoning; amending Seattle Municipal Code Sections 23.34.079, 23.47.008, 23.47.009, 23.47.024, 23.54.015 and 25.05.675; and amending the Official Land Use Map to rezone areas within the Capitol Hill Urban Center Village from Lowrise 3 (L3) and Lowrise 3/Residential Commercial (L3/RC) to Neighborhood Commercial/Residential with a 40' height limit (NC3/R 40') and Midrise (MR) and Midrise/Residential Commercial (MR/RC) zones to Neighborhood Commercial/Residential with a 65' height limit (NC 3/R 65') zones and to change the height limit from 40' to 65' for Neighborhood Commercial 3 (NC3 40') zoned areas abutting Broadway East generally between East Roy and East Pine Streets.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Attached to this ordinance is a zoning map, identified as Exhibit A and incorporated herein by this reference. The Official Land Use Map, Section 23.32.016, Plats 36E and 40E, Pages 103 and 111, is hereby amended to change the designated areas as shown on Exhibit A.

Section 2. Section 23.34.079 of the Seattle Municipal Code, which section was adopted by Ordinance 117430, is amended as follows:

23.34.079 Neighborhood Commercial 3/Residential (NC3/R) designation.

A. Function. An area designated as NC3/R functions as an NC3 zone while maintaining existing residential uses and/or promoting increased residential development. These areas provide locations for moderate density residential development in single purpose and mixed use structures; limit single purpose commercial development; and encourage commercial storefronts built to the front property line.

B. NC3 zoned areas or areas that meet NC3 criteria may be ~~((designed))~~ designated NC3/R only under the following conditions:

1 1. ~~((a-))~~ Areas located inside urban center villages and the village core of hub
2 urban villages, or

3 ~~((b-))~~ 2. Areas in a residential urban village characterized by a concentration of
4 small retail sales and service uses and residential support services, where it is desirable to
5 promote high density residential uses, ~~((; and~~

6 ~~2. The NC3/R designation is provided for in a neighborhood plan~~
7 ~~adopted or amended by the City Council after January 1, 1995.))~~

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9 Section 3. Subsection D of Section 23.47.008 of the Seattle Municipal Code, which
10 Section was last amended by *(U. District Housing Legislation)*, is amended as follows:

11 **23.47.008 Mixed use development.**

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14 D. Above thirteen (13) feet from finished grade, the residential portion of a structure
15 containing residential and nonresidential uses shall be limited to a maximum lot coverage of
16 sixty-four (64) percent. Portions of structures exempted from structure width as provided in
17 Section 23.86.014C shall also be exempt from lot coverage calculations. If the nonresidential and
18 residential uses are located in separate structures, this provision shall apply only to the portion of
19 the residential structure more than thirteen (13) feet above finished grade. This provision shall
20 not apply an area in an existing building, in nonresidential use as of April 3, 1995, is converted to
21 residential use, provided that the structure is not modified in any way that increases the coverage
22 to greater than sixty-four (64) percent of the portion of the structure in residential use and over
23 thirteen (13) feet above finished grade. This subsection D does not apply within the Station Area
24 Overlay District, Chapter 23.61; or within Area B as shown on Map 23.47.004 B in Section
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23.47.004; or within the area bounded by 10th Avenue East, East Roy Street, Harvard Avenue East, and East Mercer Street.

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Section 4. Subsection B of Section 23.47.009 of the Seattle Municipal Code, which Section was last amended by {*U. District Housing Legislation*}, is amended as follows:

23.47.009 Density limits for residential uses.

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B. Density limits shall not apply to single-purpose residential structures within the Station Area Overlay District pursuant to Chapter 23.61, within Area B shown in Map 23.47.004 B of Section 23.47.004, along selected streets in the Pike/Pine Overlay District, pursuant to Chapter 23.73, ((~~or~~)) for-Seattle Housing Authority structures permitted pursuant to Section 23.47.004 E1g, or within the area bounded by 10th Avenue East, East Roy Street, Harvard Avenue East, and East Mercer Street. Where the Station Area Overlay District and the Pike/Pine Overlay District overlap, the provisions of the Pike/Pine Overlay District shall prevail.

Section 5. Subsection B of Section 23.47.024 of the Seattle Municipal Code, which Section was last amended by Ordinance {*U. District Housing Legislation*}, is amended as follows:

23.47.024 Open space and residential amenity area standards.

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B. Within the First Hill Urban Center Village ((~~and~~)), the University District Northwest Urban Center Village, and the Capitol Hill Urban Center Village, subsection A does not apply. Instead, residential amenity areas are required in an amount equal to ten (10) percent of the total

gross floor area in residential use up to a maximum requirement equal to fifty (50) percent of the lot area. Calculation of gross floor area, for the purposes of this subsection, excludes area used for mechanical equipment, accessory parking and unenclosed decks or balconies.

1. Eligible residential amenity areas include: decks, balconies, terraces, solaria, greenhouses, roof gardens, community rooms, exercise rooms, plazas, courtyards and other similar amenities.

2. Residential amenity area must meet the following:

- a. A maximum of fifty (50) percent of the area may be enclosed;
- b. The area is available to all residents;
- c. The minimum horizontal dimension for an area is fifteen (15) feet, and no area can be less than two hundred twenty-five (225) square feet;
- d. Parking areas, driveways, and pedestrian access to building entrances, except for pedestrian access meeting the Seattle Building Code, Chapter 11 -- Accessibility, are not counted as residential amenity area.

3. A maximum of fifty (50) percent of the required residential amenity area may be provided off-site in a manner that in the Director's judgment provides a reasonable substitute for the amenity space that would have been provided on-site, or an applicant may make a payment to the City in lieu of providing the amenity area, if the Director determines:

- a. The payment is comparable to the cost of providing the equivalent residential amenity space on-site;
- b. The improvement or land acquisition funded by the payment is located within sufficient proximity to benefit the residents of the project to be served by the amenity; and

1 c. The improvement or land acquisition funded by the payment will occur
2 within an appropriate time.

3 4. The Director is authorized to adopt rules to establish standards for the
4 interpretation of subsection 3 as well as for the design and construction of improvements to be
5 funded by in lieu of payments.
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Section 6. Chart A of Section 23.54.015, Seattle Municipal Code, , which was last amended by Ordinance { *U. District Housing Legislation* }, is amended as follows:

Chart A for Section 23.54.015 PARKING	
Use	Parking Requirements

<u>Multifamily uses, when within the Capitol Hill Urban Center Village</u>	<u>0.8 spaces for each dwelling unit</u>
Multifamily uses, when within the Seattle Mixed zone(, or the Pike/Pine Overlay District)	1 space for each dwelling unit
<u>Multifamily uses, when within the Pike/Pine Overlay District</u>	<u>0.6 spaces for each dwelling unit</u>

Section 7. Section 25.05.675 of the Seattle Municipal Code, which Section was last amended by Ordinance { *U. District Housing Legislation* }, is amended as follows:

25.05.675 Specific environmental policies.

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M. Parking.

1. Policy Background.

a. Increased parking demand associated with development projects may adversely affect the availability of parking in an area.

b. Parking regulations to mitigate most parking impacts and to accommodate most of the cumulative effects of future projects on parking are implemented through the City's Land Use Code. However, in some neighborhoods, due to inadequate off-street parking, streets are unable to absorb parking spillover. The City recognizes that the cost of providing additional parking may have an adverse effect on the affordability of housing.

2. Policies.

a. It is the City's policy to minimize or prevent adverse parking impacts associated with development projects.

b. Subject to the overview and cumulative effects policies set forth in SMC Sections 25.05.665 and 25.05.670, the decisionmaker may condition a project to mitigate the effects of development in an area on parking; provided that:

i. No SEPA authority is provided to mitigate the impact of development on parking availability in the downtown zones;

ii. In the Seattle Mixed (SM) zone and for residential uses located within the Pike/Pine Overlay District, the University District Northwest Urban Center Village, the Capitol Hill Urban Center Village, or the First Hill Urban Center Village, no SEPA authority is provided for the decisionmaker to require more parking than the minimum required by the Land Use Code;

iii. Parking impact mitigation for multifamily development, except in the Alki area, as described in subsection M2c below, may be required only where on-street parking is at capacity, as defined by Seattle Transportation or where the development itself would cause on-street parking to reach capacity as so defined.

1 c. For the Alki area, as identified on Exhibit 2, a higher number of spaces
2 per unit than is required by SMC Section 23.54.015 may be required to mitigate the adverse
3 parking impacts of specific multifamily projects. Projects that generate a greater need for
4 parking and that are located in places where the street cannot absorb that need -- for example,
5 because of proximity to the Alki Beach Park -- may be required to provide additional parking
6 spaces to meet the building's actual need. In determining that need, the size of the development
7 project, the size of the units and the number of bedrooms in the units shall be considered.

9 d. Parking impact mitigation for projects outside of downtown zones may
10 include but is not limited to:

- 11 i. Transportation management programs;
- 12 ii. Parking management and allocation plans;
- 13 iii. Incentives for the use of alternatives to single-occupancy
14 vehicles, such as transit pass subsidies, parking fees, and provision of bicycle parking space;
- 15 iv. Increased parking ratios, unless the project is located within the
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17 Seattle Mixed (SM) zone, the Pike/Pine Overlay District, the University District Northwest
18 Urban Center Village, the Capitol Hill Urban Center Village, or the First Hill Urban Center
19 Village; and
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21 v. Reduced development densities to the extent that it can be
22 shown that reduced parking spillover is likely to result; provided, that parking impact mitigation
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for multifamily development may not include reduction in development density.

Section 8. Severability. The several provisions of this ordinance are declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section, subsection, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Section 9. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2004, and signed by me in open session in authentication of its passage this ____ day of _____, 2004.

President _____ of the City Council

Approved by me this ____ day of _____, 2004.

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2004.

City Clerk

(Seal)

Exhibit A: Broadway Area Rezones

Exhibit A

